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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Josep MARTI TUBAU

Serial No.: 10/521464

Filed: January 18, 2005

For: SELECTABLE ROTARY SPRAYER

LETTER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

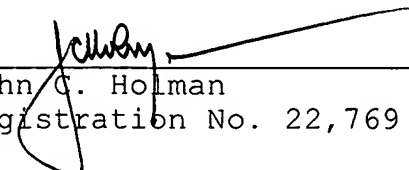
Attached hereto is a copy of a translation of the International Preliminary Examination Report (IPER) so as to give the Examiner the full benefit of the PCT prosecution

Early and favorable action on the merits of this application is courteously awaited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:

  
\_\_\_\_\_  
John C. Holman  
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Date: March 1, 2006

Enclosure: Translation of IPER

**Translation**

PATENT COOPERATION TREATY

PCT/ES2003/000271



**PCT**

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference martí	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES2003/000271	International filing date (day/month/year) 05 June 2003 (05.06.2003)	Priority date (day/month/year) 18 July 2002 (18.07.2002)
International Patent Classification (IPC) or national classification and IPC B05B 1/16, F16K 5/02, A01G 25/00, F16K 17/04		
Applicant MARTÍ INDUSTRIA METALÚRGICA S.L.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>3</u> sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input checked="" type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand 06 February 2004 (06.02.2004)	Date of completion of this report 20 October 2004 (20.10.2004)
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000271

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages 1,3-7, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages 2, filed with the letter of 05 October 2004 (05.10.2004)
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 8,9, filed with the letter of 05 October 2004 (05.10.2004)
- ☒ the drawings:  
pages 1,2, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 3
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000271

## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES 03/00271

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1, 2	YES
	Claims		NO
Inventive step (IS)	Claims	1, 2	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

## 2. Citations and explanations

Since the amendments of 5 October 2004 adequately remedy the lack of unity of invention and the description explains and the claims specify that the subject matter of the invention is limited to the assembly specified, there is no need to examine the lack of novelty or inventive step of the anti-drip valve defined in the original claim 3.

Considering the new claim 1 in its entirety, all the technical features added can be anticipated only if a combination of three documents (US 3637142 A, US 4617957 A and US 5125578 A) is taken into consideration; however, this combination would not be obvious to a person skilled in the art.